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37490 7590 08/03/2009 Trellis Intellectual Property Law Group, PC 1900 EMBARCADERO ROAD SUITE 109 PALO ALTO, CA 94303				
EXAMINER				
CARLOS, ALVIN LEABRES				
ART UNIT		PAPER NUMBER		
3715				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/712,628

Applicant(s)

PARHAM, TYLER THOMAS

Examiner

ALVIN L. CARLOS

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-53 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04/13/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office action in response to communications received March 27, 2009. Claims 6 and 8 have been amended and added new claims 11-53. Claims 1-53 are now pending.

Claim Objections

2. Claim 31 is objected to because of the following informalities: Claim 31 recites "the method of claim 30", however, claim 30 is an apparatus claim. Therefore, "the method of claim 30" is believed to be in error for --the apparatus of claim 30--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. Claims 11-26 are rejected under 35 USC 101 as being directed to non-statutory subject matter because these are method or process claims that do not transform underlying subject matter (such as an article or materials) to a different state or thing, nor are they tied to a particular machine. See Diamond v. Diehr, 450 U.S. 175, 184 (1981) (quoting Benson, 409 U.S. at 70); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978) (citing Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)). See also In re Bilski (Fed Cir. 2007-1130, 10/30/2008) where the Fed. Cir. held that method claims must pass the "machine-or-transformation test" in order to be eligible for patent protection under 35 USC 101. In this instant case, claims 11 and 26 are not tied to a particular machine or device to implement the method as claimed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11-42 and 45-46 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 11 recites the limitation "the primary game" in page 4. There is insufficient antecedent basis for this limitation in the claim.
7. Regarding claim 14, the phrase "and/or" renders the claim indefinite because the claim it is not clear whether eligibility is for the first player or additional players or combination of both, thereby rendering the scope of the claim unascertainable.
8. Regarding claim 15, the phrase "and/or" renders the claim indefinite because the claim it is not clear whether event includes a proper wager ... an insertion of a player card, or separate wager bet or combination of both, thereby rendering the scope of the claim unascertainable.
9. Regarding claim 19, the phrase "and/or" renders the claim indefinite because the claim it is not clear whether duration includes a predetermined number of primary game plays,... or predetermined number of time frames or combination of both, thereby rendering the scope of the claim unascertainable.
10. Claim 26 recites the limitation "the first eligible player" in page 7. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 27 recites the limitation "the secondary game indication cycle" in page 7. There is insufficient antecedent basis for this limitation in the claim.

12. Regarding claim 30, the phrase "and/or" renders the claim indefinite because the claim it is not clear whether eligibility is for the first player or additional players or combination of both, thereby rendering the scope of the claim unascertainable.

13. Regarding claim 31, the phrase "and/or" renders the claim indefinite because the claim it is not clear whether event includes a proper wager ... an insertion of a player card, or separate wager bet or combination of both, thereby rendering the scope of the claim unascertainable.

14. Regarding claim 35, the phrase "and/or" renders the claim indefinite because the claim it is not clear whether duration includes a predetermined number of primary game plays,... or predetermined number of time frames or combination of both, thereby rendering the scope of the claim unascertainable.

15. Claim 42 recites the limitation "the first eligible player" in page 10. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 45 recites the limitation "the first gaming device" in page 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-10, 43-44 and 47-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon US20030119581 in view of Schneider 6358149.

Re claim 1, Cannon discloses a method for enabling multiple networked gaming devices to participate in a secondary game (paragraphs 0019, 0020, 0048), the method comprising providing a first gaming device for initiating a primary game (paragraphs 0049-0051), qualifying the first gaming device to participate in a secondary game by using a predetermined primary game outcome (paragraphs 0049-0051), qualifying additional gaming devices to participate in the secondary game by using predetermined primary game outcomes (paragraphs 0021, 0048-0049), increasing the secondary payout award after each additional gaming device is qualified and increasing a payout award of the secondary game by a value and initiating the secondary game (paragraphs 0058-0061).

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device, and awarding to every gaming device qualified to participate in the secondary game the payout award (bonus award) of the secondary game.

However, Schneider teaches the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device (see figures 5-6, column 7 lines 50-65 and column 8 lines 4-17), and awarding to every gaming device qualified to participate in the secondary game the payout award (bonus award) of the secondary game (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 2, Cannon discloses a gaming network having a plurality of gaming devices, a method of involving multiple players and their gaming devices in a secondary type game (paragraphs 0019 and 0029), the method comprising initiating a primary type game by using a first gaming device (paragraphs 0029 and 0049), qualifying the first gaming device to participate in a secondary type game (paragraphs 0029 and 0050),

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of triggering a secondary game indication cycle to run before the secondary type game is initiated and the secondary game indication cycle is capable of running for a predetermined duration, qualifying additional gaming devices to participate in the secondary type game during said predetermined duration of said secondary game indication cycle, initiating the secondary type game upon conclusion of said secondary game indication cycle, and awarding payout awards to every gaming device qualified to participate in the secondary type game.

However, Schneider teaches triggering a secondary game indication cycle to run before the secondary type game is initiated and the secondary game indication cycle is capable of running for a predetermined duration (see figure 5, 108 before 114, column 7 lines 8-12 and column 10 lines 1-5), qualifying additional gaming devices to participate in the secondary type game during said predetermined duration of said secondary game indication cycle (column 7 lines 50-65), initiating the secondary type game upon conclusion of said secondary game indication cycle (column 10 lines 1-5), and awarding payout awards to every gaming device qualified to participate in the secondary type game (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 3, Cannon discloses a multiplier (paragraphs 0007, 0058-0059). Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of increasing the secondary payout award after each additional gaming device is qualified

However, Schneider teaches increasing the secondary payout award after each additional gaming device is qualified (column 10 lines 6-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Schneider in order to provide a bonusing system that demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 4, Cannon discloses a method for enabling multiple networked gaming devices to participate in a secondary game (paragraphs 0035 and 0039-0045), the method comprising providing a first gaming device that qualifies for a secondary game (paragraphs 0049-0050).

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game, qualifying additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle, and initiating the secondary game, and awarding a payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game.

However, Schneider teaches providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game (see figures 5 and 8, column 7 lines 8-12), qualifying additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle (column 7 lines 50-65), and initiating the secondary game (column 8 lines 3-24), and awarding a

payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 5, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses increasing the secondary payout award after each additional gaming device is qualified (column 10 lines 6-33).

Re claim 6, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses further comprising qualifying the first gaming device for additional secondary type games during pendency of the secondary game indication cycle (see figure 5, column 7 lines 21-25).

Re claim 7, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses the secondary game indication cycle expires after a designated duration (see figures 8-9, column 10 lines 37-38).

Re claim 8, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses the secondary game indication cycle expires after a predetermined number of primary plays after qualification of the first gaming device (column 10 lines 43-48).

Re claim 9, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses the secondary game indication cycle expires after a predetermined number of predetermined primary game outcomes after qualification of the first gaming device (column 10 lines 43-48).

Re claim 10, Cannon discloses a system for allowing multiple networked gaming device system to participate in a secondary game (paragraphs 0019 and 0029), the system comprising a first gaming device capable of qualifying for a secondary game (paragraphs 0048-0049), controller increases the secondary game payout award and controller increases the secondary game payout award for each qualified gaming device and the controller initiates the secondary game (paragraphs 0058-0061).

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of a controller for providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game, and additional gaming devices qualified to participate in the secondary game before expiration of said secondary game indication cycle, and awards the secondary game payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game.

However, Schneider teaches a controller for providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game (see figures 5-6, column 7 lines 8-12), and additional gaming devices qualified to participate in the secondary game before expiration of said secondary game indication cycle (column 7 lines 50-65), and awards the secondary game payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 43, Cannon discloses an apparatus for enabling multiple networked gaming devices to participate in a secondary game (paragraphs 0041-0043), comprising one or more processors and logic encoded in one or more tangible media for execution by the one or more processors (paragraphs 0030-0033), and when executed operable to qualify a first gaming device to participate in a secondary game by using a predetermined primary game outcome in a primary game and qualify additional gaming devices to participate in the secondary game by using predetermined primary game

outcomes (paragraphs 0049-0051), for each additional gaming device that is qualified, increase a payout award of the secondary game by a value and initiate the secondary game (paragraphs 0058-0061),

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device (column 7 lines 50-65), and award, to every gaming device qualified to participate in the secondary game, the payout award of the secondary game (column 10 lines 49-58).

However, Schneider teaches the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device (column 7 lines 50-65), and award, to every gaming device qualified to participate in the secondary game, the payout award of the secondary game (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to

encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 44, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses logic operable to increase the payout award comprises logic operable to increase the payout award by a multiple of a number of qualifications associated with additional gaming devices in the secondary game (monetary awards are generated by adding a predetermined amount (e.g. increased by a multiple value) to the bonus award as each player qualifies for the bonus game) [paragraph 0058].

Re claim 47, Cannon discloses an apparatus comprising one or more processors and logic encoded in one or more tangible media for execution by the one or more processors (paragraphs 0030-0033).

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of provide a secondary game indication cycle indicative that a first gaming device has qualified for a secondary game, qualify additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle, and initiate the secondary game and awarding a payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game.

However, Schneider teaches provide a secondary game indication cycle indicative that a first gaming device has qualified for a secondary game (see figures 5 and 8, column 7 lines 8-12), qualify additional gaming devices to participate in the

secondary game before expiration of said secondary game indication cycle (column 7 lines 50-65), and initiate the secondary game (column 8 lines 3-24), and awarding a payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Re claim 48, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses logic is further operable to increase the payout award for each additional device that qualifies for the secondary game (paragraph 0058).

Re claim 49, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses the logic is further operable to qualify the first gaming device additional times to participate in the secondary game during pendency of the secondary game indication cycle (paragraph 0049).

Re claim 50, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses the secondary game indication cycle expires after a designated duration (column 10 lines 37-38).

Re claim 51, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses the secondary game indication cycle expires after a predetermined number of primary game plays after qualification of the first gaming device (column 9 lines 50-56).

Re claim 52, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses the secondary game indication cycle expires after a predetermined number of predetermined primary game outcomes after qualification of the first gaming device (column 9 lines 50-56).

Re claim 53, Cannon in view of Schneider discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses increasing the payout award comprising increasing the payout award by a multiple of a number of qualifications associated with additional gaming devices in the secondary game (monetary awards are generated by adding a predetermined amount (e.g. increased by a multiple value) to the bonus award as each player qualifies for the bonus game) [paragraph 0058].

19. Claims 11-42 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon US20030119581 in view of Schneider 6358149 and further in view of Kerr 20020142844.

Re claim 11, Cannon discloses a method comprising allowing a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus

game (paragraph 0048), qualifying a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game (paragraphs 0049-0051).

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of triggering a secondary game indication cycle to run before the multiplayer secondary bonus game is initiated, wherein the secondary game indication cycle is capable of running for a duration, qualifying, during the duration of the secondary game indication cycle, additional eligible players to participate in the multiplayer secondary bonus game based upon the additional eligible players playing the primary game, upon conclusion of the secondary game indication cycle, providing the multiplayer secondary bonus game (bonus award) and awarding, to every eligible player that qualified to participate in the multiplayer secondary bonus game, at least one award.

However, Schneider teaches qualifying, during the duration of the secondary game indication cycle, additional eligible players to participate in the multiplayer secondary bonus game based upon the additional eligible players playing the primary game (column 7 lines 50-65), and awarding, to every eligible player that qualified to participate in the multiplayer secondary bonus game, at least one award (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to

provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Cannon in view of Schneider discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of triggering a secondary game indication cycle to run before the multiplayer secondary bonus game is initiated, wherein the secondary game indication cycle is capable of running for a duration, upon conclusion of the secondary game indication cycle, providing the multiplayer secondary bonus game.

However, Kerr teaches triggering a secondary game indication cycle to run before the multiplayer secondary bonus game is initiated, wherein the secondary game indication cycle is capable of running for a duration, upon conclusion of the secondary game indication cycle, providing the multiplayer secondary bonus game (paragraphs 0075-0076).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon in view of Schneider invention by incorporating Kerr's teaching of running a countdown timer that provide a window of time within which eligible players may join any type of game before the particular game start in order to avoid overload, and to produce a reliable security by providing limited time joining a particular game.

Re claim 12, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses awarding comprising displaying a plurality of awards (column 10 lines 53-54), randomly selecting at least one displayed award (column 10 lines 51-53), awarding the at least one displayed award to every eligible player that qualified to participate in the multiplayer secondary bonus game (column 10 lines 55-58).

. Re claim 13, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses awarding the at least one award to eligible gaming devices associated with every eligible player that qualified to participate in the multiplayer secondary bonus game (column 10 lines 49-58).

Re claim 14, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses eligibility for the first player and/or the additional players is determined based on at least one event and participating in the primary game, wherein eligibility allows the first eligible player and the additional eligible players to qualify for the multiplayer secondary bonus game (column 8 lines 4-17).

Re claim 15, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses at least one event includes a proper wager, a max wager, an insertion of a player card, and/or a separate wager bet (column 7 lines 50-65).

Re claim 16, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses qualifying for the multiplayer secondary bonus game is determined based on the first eligible player or the additional eligible players receiving at least one predetermined indicia in the primary game (column 8 lines 4-17).

Re claim 17, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses once the first eligible player is qualified, the secondary game indication cycle is triggered for a predetermined duration (Bonus period would be triggered by satisfying the first threshold (column 7 lines 8-10), wherein the threshold is set based on the number of eligible gaming machines (players) detected (column 2 lines 26-29 and column 7 lines 3-7). Therefore, it would have been obvious to one of ordinary skill in the art that bonus period would be initiated based on the detected number of eligible gaming machines (players)).

Re claim 18, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses once the first eligible player is qualified, the secondary game indication cycle is triggered for a predetermined number of primary game plays (column 9 lines 29-33).

Re claim 19, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses the duration includes a predetermined number of primary game plays, a predetermined

number of predetermined primary game play outcomes, and/or a predetermined number of time frames (column 10 lines 37-38).

Re claim 20, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses at least one award is fixed or progressive (paragraphs 0058-0059).

Re claim 21, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses first eligible player or the additional eligible players are allowed to qualify for the multiplayer secondary bonus game a plurality of times (paragraph 0062).

Re claim 22, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses duration is predetermined or randomly determined (column 10 lines 37-38).

Re claim 23, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses increasing the at least one award of the secondary game by a value for each additional eligible player that is qualified (paragraph 0058).

Re claim 24, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses initiating the primary game using a first gaming device (paragraph 0034).

Re claim 25, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses at least one award comprises at least one randomly selected award (column 10 lines 51-53).

Re claim 26, Cannon discloses a method comprising allowing a plurality of players to become eligible to qualify to win an award in a multiplayer secondary game (paragraphs 0048 and 0081), qualifying the first eligible player to be eligible to win an award in the multiplayer secondary bonus game based upon the first eligible player playing the primary game (paragraphs 0049-0051).

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of qualifying, during the duration of the secondary game indication cycle, additional eligible players that are eligible to win an award in the multiplayer secondary game based upon the additional eligible players playing the primary game, triggering a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration, upon conclusion of the secondary game indication cycle, initiating the secondary game and awarding, to each eligible player that qualified to win an award in the secondary game, at least one award.

However, Schneider teaches qualifying, during the duration of the secondary game indication cycle, additional eligible players that are eligible to win an award in the multiplayer secondary game based upon the additional eligible players playing the primary game (column 7 lines 50-65), and awarding, to each eligible player that qualified to win an award in the secondary game, at least one award (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching

of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Cannon in view of Schneider discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of triggering a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration, upon conclusion of the secondary game indication cycle, initiating the secondary game.

However, Kerr teaches triggering a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration, upon conclusion of the secondary game indication cycle, initiating the secondary game (paragraphs 0075-0076).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon in view of Schneider invention by incorporating Kerr's teaching of running a countdown timer that provide a window of time within which eligible players may join any type of game before the particular game start in order to avoid overload, and to produce a reliable security by providing limited time joining a particular game.

Re claim 27, Cannon discloses an apparatus comprising one or more processors and logic encoded in one or more tangible media for execution by the one or more processors (paragraphs 0030-0033), and when executed operable to allow a plurality of players to become eligible to qualify to participate in a multiplayer secondary bonus game (paragraphs 0048 and 0081), qualify a first eligible player in the plurality of players to participate in the multiplayer secondary bonus game based upon the first eligible player playing the primary game (paragraphs 0049-0051).

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of qualify, during the duration of the secondary game indication cycle, additional eligible players to participate in the multiplayer secondary bonus game based upon the additional eligible players playing the primary game, trigger a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle is capable of running for a duration, and upon conclusion of the secondary game indication cycle, provide the multiplayer secondary bonus game, and award, to every eligible player that qualified to participate in the multiplayer secondary bonus game, at least one award.

However, Schneider teaches qualify, during the duration of the secondary game indication cycle, additional eligible players to participate in the multiplayer secondary bonus game based upon the additional eligible players playing the primary game (column 7 lines 50-65), and award, to every eligible player that qualified to participate in the multiplayer secondary bonus game, at least one award (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Cannon in view of Schneider discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of trigger a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle is capable of running for a duration, and upon conclusion of the secondary game indication cycle, provide the multiplayer secondary bonus game.

However, Kerr teaches trigger a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle is capable of running for a duration, and upon conclusion of the secondary game indication cycle, provide the multiplayer secondary bonus game (paragraphs 0075-0076).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon in view of Schneider invention by incorporating Kerr's teaching of running a countdown timer that provide a window of time within which

eligible players may join any type of game before the particular game start in order to avoid overload, and to produce a reliable security by providing limited time joining a particular game.

Re claim 28, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses logic operable to award further comprising logic operable to displaying a plurality of awards (column 10 lines 53-54), randomly select at least one displayed award (column 10 lines 51-53), award the at least one displayed award to every eligible player that qualified to participate in the multiplayer secondary bonus game (column 10 lines 55-58).

Re claim 29, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses logic operable to award comprises logic operable to award the at least one award to eligible gaming devices associated with every eligible player that qualified to participate in the multiplayer secondary bonus game (column 10 lines 49-58).

Re claim 30, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses eligibility for the first player and/or the additional players is determined based on at least one event and participating in the primary game, wherein eligibility allows the first eligible player and the additional eligible players to qualify for the multiplayer secondary bonus game (column 8 lines 4-17).

Re claim 31, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses at least

one event includes a proper wager, a max wager, an insertion of a player card, and/or a separate wager bet (column 7 lines 50-65).

Re claim 32, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses logic operable to qualify for the multiplayer secondary bonus game is determined based on the first eligible player or the additional eligible players receiving at least one predetermined indicia in the primary game (column 8 lines 4-17).

Re claim 33, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses once the first eligible player is qualified, the secondary game indication cycle is triggered for a predetermined duration (Bonus period would be triggered by satisfying the first threshold (column 7 lines 8-10), wherein the threshold is set based on the number of eligible gaming machines (players) detected (column 2 lines 26-29 and column 7 lines 3-7). Therefore, it would have been obvious to one of ordinary skill in the art that bonus period would be initiated based on the detected number of eligible gaming machines (players).

Re claim 34, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses once the first eligible player is qualified, the secondary game indication cycle is triggered for a predetermined number of primary game plays (column 9 lines 29-33).

Re claim 35, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses the

duration includes a predetermined number of primary game plays, a predetermined number of predetermined primary game play outcomes, and/or a predetermined number of time frames (column 10 lines 37-38).

Re claim 36, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses at least one award is fixed or progressive (paragraphs 0058-0059).

Re claim 37, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses first eligible player or the additional eligible players are allowed to qualify for the multiplayer secondary bonus game a plurality of times (paragraph 0062).

Re claim 38, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses duration is predetermined or randomly determined (column 10 lines 37-38).

Re claim 39, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses the logic is further operable to increase the at least one award of the secondary game by a value for each additional eligible player that is qualified (paragraph 0058).

Re claim 40, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Cannon discloses logic is further operable to initiate the primary game using a first gaming device (paragraph 0034).

Re claim 41, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses at least one award comprises at least one randomly selected award (column 10 lines 51-53).

Re claim 42, Cannon discloses an apparatus comprising: one or more processors, and logic encoded in one or more tangible media for execution by the one or more processors (paragraphs 0030-0033), and when executed operable to allow a plurality of players to become eligible to qualify to win an award in a multiplayer secondary game (paragraphs 0048 and 0081), qualify the first eligible player to be eligible to win an award in the multiplayer secondary bonus game based upon the first eligible player playing the primary game (paragraphs 0049-0051).

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of trigger a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration, qualify, during the duration of the secondary game indication cycle, additional eligible players that are eligible to win an award in the multiplayer secondary game based upon the additional eligible players playing the primary game, and upon conclusion of the secondary game indication cycle, initiate the secondary game, and award, to each eligible player that qualified to win an award in the secondary game, at least one award.

However, Schneider teaches qualifying, during the duration of the secondary game indication cycle, additional eligible players that are eligible to win an award in the multiplayer secondary game based upon the additional eligible players playing the

primary game (column 7 lines 50-65), and awarding, to each eligible player that qualified to win an award in the secondary game, at least one award (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Cannon in view of Schneider discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of trigger a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration, upon conclusion of the secondary game indication cycle, initiate the secondary game.

However, Kerr teaches trigger a secondary game indication cycle to run before the multiplayer secondary game is initiated, wherein the secondary game indication cycle runs for a duration, upon conclusion of the secondary game indication cycle, initiate the secondary game (paragraphs 0075-0076).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon in view of Schneider invention by incorporating

Kerr's teaching of running a countdown timer that provide a window of time within which eligible players may join any type of game before the particular game start in order to avoid overload, and to produce a reliable security by providing limited time joining a particular game.

Re claim 45, Cannon discloses an apparatus comprising one or more processors and logic encoded in one or more tangible media for execution by the one or more processors (paragraphs 0030-0033), and when executed operable to qualify the first gaming device to participate in a secondary type game upon playing a primary game (paragraph 0049).

Cannon discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of trigger a secondary game indication cycle to run before the secondary type game is initiated, wherein said secondary game indication cycle is capable of running for a predetermined duration, qualify, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game, upon conclusion of said secondary game indication cycle, initiate the secondary type game, and award, to every gaming device qualified to participate in the secondary type game, one or more payout awards.

However, Schneider teaches qualify, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game (column 7 lines 50-65), and award, to every gaming device qualified to participate in the secondary type game, one or more payout awards (column 10 lines 49-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of utilizing bonus period that allow eligible players to join the bonus game in order to provide an electronic gaming system and method that adjust the threshold to initiate a bonus period depending upon the number of eligible gaming machines over a network link, and a bonusing system has a demonstrable effect on game payback percentage to encourage play and increase enjoyment as taught by Schneider (paragraph 0017 lines 1-4).

Cannon in view of Schneider discloses all of the claimed subject matter as discussed above with the exception of disclosing the feature of trigger a secondary game indication cycle to run before the secondary type game is initiated, wherein said secondary game indication cycle is capable of running for a predetermined duration, and upon conclusion of said secondary game indication cycle, initiate the secondary type game.

However, Kerr teaches trigger a secondary game indication cycle to run before the secondary type game is initiated, wherein said secondary game indication cycle is capable of running for a predetermined duration, and upon conclusion of said secondary game indication cycle, initiate the secondary type game (paragraphs 0075-0076).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon in view of Schneider invention by incorporating Kerr's teaching of running a countdown timer that provide a window of time within which eligible players may join any type of game before the particular game start in order to

avoid overload, and to produce a reliable security by providing limited time joining a particular game.

Re claim 46, Cannon in view of Schneider in view of Kerr discloses all of the claimed subject matter as discussed above. In addition, Schneider discloses after each additional gaming device is qualified, the logic is further operable to increase the secondary payout award by a designated multiple (column 10 lines 64-66).

Response to Arguments

20. Applicant's arguments filed 04/16/2009 have been fully considered but they are not persuasive.

21. In response to the applicant's arguments that Cannon in view of Schneider does not disclose "awarding to every gaming device qualified to participate in the secondary game", the Examiner disagrees. Cannon in view of Schneider discloses all of the claimed subject matter as in claim 1 as discussed above. In addition, Schneider teaches the "awarding to every gaming device qualified to participate in the secondary game" (all eligible machines/players would receive the same single lump sum bonus award) (column 10 lines 49-58).

22. In response to the applicant's arguments that Schneider does not disclose "the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device", the Examiner disagrees. Schneider discloses allowing plurality of gaming machines interconnected by a network to be eligible to play the bonus game during bonus period by satisfying the threshold value

set based on the number of eligible games (column 2 lines 30-40). Furthermore, Schneider discloses bonus period would be triggered by satisfying the threshold value (column 7 lines 8-10), wherein the threshold value is set based on the number of eligible gaming machines/players detected (column 2 lines 26-29 and column 7 lines 3-7). In order to trigger the bonus period, at least one gaming device/player is playing to raise the bonus pool to meet the first threshold value. Therefore, it would have been obvious to one of ordinary skill in the art to initiate the bonus period based on the detected number (e.g. one or more) of eligible gaming machines/players by satisfying the corresponding threshold value (e.g. threshold set to the lowest value when one eligible player was detected) (column 8 lines 4-6).

23. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Cannon discloses bonus awards are earned by qualified players (using their gaming device) for the bonus game (paragraph 0071 lines 11-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon's invention by incorporating Schneider's teaching of all eligible machines would receive the same

single lump sum bonus award (column 10 lines 49-50), in order to provide varying awards to eligible players that encourage play and increase enjoyment.

24. In response to the applicant's arguments that Schneider does not disclose "qualifying, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game", the Examiner disagrees. Schneider discloses allowing plurality of gaming machines interconnected by a network to be eligible to play the bonus game during bonus period by satisfying the threshold value set based on the number of eligible games (column 2 lines 30-40). For example, one or more eligible gaming device would be qualified in the secondary game after the first gaming device qualified to play the secondary game.

25. In response to the applicant's arguments that Schneider does not disclose "triggering a secondary game indication cycle to run before the secondary type game is initiated", the Examiner disagrees. Schneider discloses bonus period would be triggered by satisfying the first threshold value (column 7 lines 8-10), before triggering the bonus event (see figure 5, 108 before 114).

26. In response to the applicant's arguments that Schneider does not disclose "providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game, qualifying additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle", the Examiner disagrees. Schneider discloses Schneider discloses allowing plurality of gaming machines (including first and additional gaming machines) interconnected by a

network to be eligible to play the bonus game during bonus period by satisfying the threshold value set based on the number of eligible games (column 2 lines 30-40).

27. Applicant's arguments with respect to the newly added claims 11-53 have been considered but are moot in view of the new ground(s) of rejection as discussed above.

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. CARLOS whose telephone number is (571)270-3077. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Fri (alternate Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin L Carlos/
Examiner, Art Unit 3715
July 23, 2009

/Cameron Saadat/
Primary Examiner, Art Unit 3715